

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
LOUIS M. GERSON CO., INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-12408-WGY
)	
GODERICH PLASTICS, INC. and)	
HURON TRACT HOLDINGS, INC.,)	
)	
Defendants.)	
_____)	

**ASSENTED TO MOTION TO REMAND
TO MASSACHUSETTS DEPARTMENT OF THE TRIAL COURT,
SUPERIOR COURT FOR PLYMOUTH COUNTY**

Pursuant to 28 U.S.C. § 1447(c), the plaintiff Louis M. Gerson Co. Inc. (“Gerson”) hereby moves to remand this case to the Massachusetts Department of the Trial Court, Superior Court for Plymouth County. In support, Gerson states as follows:

1. On or about October 5, 2004, the instant case was filed in the Superior Court Department of the Trial Court, Plymouth County, Massachusetts (the “State Action”).
2. On or about November 10, 2004, the defendants removed the State Action to this Court on the basis of diversity jurisdiction.
3. Gerson has agreed that it will not seek damages exceeding \$75,000 exclusive of interest and costs in the State Court Action. Accordingly, this Court does not have subject matter jurisdiction over the case.

4. The defendants have assented to this motion.

5. The defendants will have until January 7, 2005 to respond to the complaint in the State Court Action.

WHEREFORE, Gerson respectfully requests this Court to remand the instant action to the Massachusetts Department of the Trial Court, Superior Court for Plymouth County.

Respectfully submitted,

/s/ Peter Alley

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/s/ Jason W. Morgan

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Counsel for Defendants

Dated: December 2, 2004